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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,072	03/05/2002	Thomas Joseph Moran	476-2098	6705
23644	7590	11/03/2004	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,072

Applicant(s)

MORAN ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 8/13/04.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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1-18

3. Claims ~~1-20~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Crosby et al (6,628,928), previously-cited.

-Regarding to claim 1, see figures 1-3, and col. 5, line 66 to col. 10, line 29, Crosby et al discloses a method comprising:

step (104) (see figure 1) of receiving a radio frequency broadcast using an radio receiver (116) (see figure 2) and extracting a broadcast information on the basis of a pre-specified template format (AM or FM analog radio signals) (see col. 6, lines 42-52, and col. 7, lines 27-62) ;

step (104) of creating a message on the basis of said information (see col. 7, lines 27-62); and

step (104) of sending said message to a service provider (110) (see figure 1) using an address provided in the information (see col. 6, lines 42-52, and col. 7, lines 27-62).

-Regarding to claim 2, Crosby et al discloses that said service provider comprises a contact center to contact to the Internet, Satellite, etc (see figure 1).

-Regarding to claim 3, Crosby et al discloses that said message can be sent to the service provider using a telephone (see figure 8, and col. 11, lines 64-66).

-Regarding to claim 4, Crosby et al discloses that said medium is provided using a wireless protocol (see figure 8).

-Regarding to claim 5, Crosby et al discloses that said broadcast information comprises an identifier which identifies a radio station which provided the radio frequency broadcast (see col. 7, lines 27-62).

-Regarding to claim 6, Crosby et al discloses that said broadcast information comprises an identifier associated with audio information provided by said radio frequency broadcast (see col. 7, lines 27-62).

-Regarding to claim 7, Crosby et al discloses that said identifier is associated with any one of a piece of music, an artist, an enterprise, or an advertisement (see col. 7, line 27 to col. 8, line 15).

-Regarding to claim 8, Crosby et al discloses step (122) (see figure 2) of presenting at least some of said extracted broadcast information to a user (see col. 7, lines 12-25) and receiving an associated user input (see col. 7, lines 12-25), and step (104) of creating the message such that it comprises information about the user input (see col. 7, lines 30-44).

-Regarding to claim 9, Crosby et al discloses that said information about the user input comprises any of a request for contact (via email address), or a request for information associated with the broadcast information in the message, (see col. 7, line 57 to col. 8, line 3).

-Regarding to claim 10, Crosby et al discloses that said service provider comprises a contact center (110) (see figure 1) and wherein said method further comprises steps (206) (see figure 3), at the contact center, of receiving said message, extracting said broadcast information (location, carrier frequency, date, time, etc) from the message and routing the message (location, carrier frequency, date, time, etc) to one of a plurality of contact center agents (208, 210, 212, 214, 211) on the basis of said information (see col. 9, line 42 to col. 10, line 29).

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-Regarding to claim 11, Crosby et al discloses that said broadcast information extracted from the message comprises information about the origination of the broadcast information (see col. 7, line 30-41)and wherein that information is stored in (200, 202, 204) so that the service provider can down load (see col. 7, lines 41-45).

-Regarding to claim 12, Crosby et al discloses that said information about the origination of the broadcast information comprises an identifier for a radio station which provided the radio frequency broadcast (see col. 7, lines 30-33).

-Regarding to claim 13, Crosby et al discloses that said information about origination comprises time information (see col. 7, lines 30-33).

-Regarding to claim 15, Crosby et al discloses that the user terminal can be a mobile telephone (see figure 8, and col. 11, lines 64-66).

–Regarding to claim 14, as applied to claim 1, see figures 1–3, and col. 5, line 66 to col. 10, line 29, Crosby et al discloses a system comprising:

an radio receiver (116) (see figure 2) arranged to receive a radio frequency broadcast and to extract a broadcast information on the basis of said pre-specified template format;

a processor (122) (see figure 2) arranged to create a message on the basis of at least some of said broadcast information; and

an output (120) (see figure 2) arranged to send said message to the service provider using either a pre-specified address or an address provided in the broadcast information.

–Regarding to claim 16, see figures 1–3, and col. 5, line 66 to col. 10, line 29, Crosby et al discloses a system comprising:

input (206) (see figure 3) arranged to receive messages comprising broadcast information,

a plurality of contact centre agents (208, 210, 212, 111);

and a router (see figure 3)) arranged to route messages (locations, carrier frequency, date, time, etc) from the input to the contact centre agents;

and wherein said system further comprises a processor (206) arranged to extract broadcast information (locations, carrier frequency, date, time, etc) from the messages and wherein said router is arranged to route said messages to the contact centre agents at least partly on the basis of the extracted broadcast information.

-Regarding to claim 17, Crosby et al discloses that the system comprises a database (200, 202, 204) and wherein said broadcast information extracted from the message comprises information about the origination of the broadcast information and this information is stored in the database (see figure 3).\

-Regarding to claim 18, Crosby et al discloses a communications network (figure 1) comprising said system.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al.

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-Regarding to claims 19 and 20, see figures 1-3, and col. 5, line 66 to col. 10, line 29, Crosby et al discloses a control method for use in a system (figure 3) comprising:

- step (206) of receiving messages comprising a broadcast information;

- step (206) of extracting said broadcast information (location, carrier frequency, date, time, etc.) from the received messages;

- step (206) of routed the contact center agents at least partly on the basis of the extracted broad cast information.

Crosby et al does not disclose the method is implemented as a computer program stored in a readable medium.

However, using a programmable processor which is programmed by a stored computer program retrieved from a readable memory to control operations of a system is well-known in the art, and the Examiner takes Official Notice. It would have been obvious for a person skilled in the art to implement the control method for use in the system (figure 3) with a computer program stored in a memory of a programmable processor for performing the steps of the method so that the programmable processor could programmably control operation of the system by using said computer program so that Crosby et al invention would be enhanced with the programmability for controlling the system.

Response to Arguments

Applicant's arguments filed on 8/13/04, with respect to the rejections to claims 1-20, have been fully considered. The previous rejections to the claims have been withdrawn. However, upon further consideration, claims 1-20 are still rejected with reasons set forth above in this Non-final Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

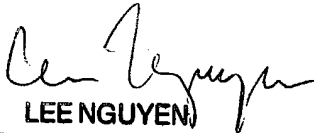
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

Art Unit: 2682

SP


LEE NGUYEN
PRIMARY EXAMINER